

II. Information Disclosure Statement

The Office Action indicates that the examiner has not considered the references listed in the Information Disclosure Statement filed on November 13, 2001. The Examiner is directed to 37 C.F.R. §1.98(d), which waives the requirements of 37 C.F.R. §1.98(a)(2) if an "earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. §120." The last page, first paragraph, of the Information Disclosure Statement identifies earlier application Serial No. 09/319,000. The present application relies on application Serial No. 09/319,000 for an earlier effective filing date under 35 U.S.C. §120. Therefore, applicants request that the examiner consider the references listed in the Information Disclosure Statement.

III. Rejections under 35 U.S.C. §112, ¶2

Claims 34 and 104 are rejected under 35 U.S.C. §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended these claims to provide sufficient antecedent basis for the limitations identified in the Office Action, and, accordingly, applicants request withdrawal of the rejection.

IV. Rejections under 35 U.S.C. §102(b)

Claims 33, 34, and 104 were rejected under 35 U.S.C. §102(b) as anticipated by Bates et al (USP 3,377,966). Applicants respectfully traverse this rejection.

Claim 33 defines a leg assembly for connecting a base to a tray of an activity center. The leg assembly includes a sleeve, a slider received in the sleeve and movable relative to the sleeve, and a spring positioned *between* the sleeve and the slider and supporting the slider relative to the sleeve. Figs. 1A, 7, and 7A illustrate an embodiment of the leg assembly defined by claim 33. In particular, Figs. 1A, 7, and 7A show a slider 50 that is received in a sleeve 30 and is movable relative to the sleeve 30. Further, the figures show a spring "S" positioned *between* the slider 50 and a spring base 40 of the sleeve 30. See pages 14-15.

By comparison, Bates et al. does not teach or suggest a device having "a spring positioned between [a] slider and [a] sleeve and supporting the slider relative to the sleeve." In Bates et al., spring 46 is positioned on the inside of tube 19 (labeled "slider" in the Office Action). The lower end of the tube 19 extends into collar 24 (labeled "sleeve" in the Office Action). The cross-section shown in Fig. 3 does not intersect the collar 24; thus, the spring

46 is offset from the collar 24 and cannot be *between* the collar 24 and the tube 19. In Bates et al., the spring 46 facilitates positioning of tube 19 relative to tube 18 (labeled "leg" in the Office Action); it does not support the tube 19 relative to the collar 24.

Because Bates et al. does not teach or suggest "a spring positioned between the sleeve and the slider and supporting the slider relative to the sleeve," Bates et al. does not anticipate claim 33 or its dependent claims 34-35 and 104.

Claims 33, 34, and 104 were rejected under 35 U.S.C. §102(b) as anticipated by Hollonbeck et al. (USP 4,565,409). Applicants respectfully traverse this rejection.

As noted above, claim 33 defines a leg assembly comprising "a spring positioned between [a] sleeve and [a] slider." Although the Office Action fails to identify a spring in Hollonbeck et al., assuming for the sake of argument that the Office Action meant to refer to spring button assembly 37, the spring arm of the spring button assembly 37 is positioned entirely on the inside of tube 34 (labeled "slider" in the Office Action); it is not positioned between tube 34 and tube 32 (labeled "sleeve" in the Office Action). Thus, Hollonbeck et al. does not anticipate claim 33 or its dependent claims 34-35 and 104.

V. New claims 105-107

Claim 105 defines a leg assembly that includes a spring base mounted to a sleeve. According to claim 105, a spring is positioned between the spring base and the slider and supports the slider relative to the spring base. Support for these limitations can be found, for example, at pages 13-15 of the specification. Applicants submit that claim 105 is allowable over Bales et al. and Hollonbeck et al. because neither teaches or suggests "a spring base mounted to [a] sleeve" as recited in claim 105.

Claims 106-107 depend from claim 105 and are allowable over Bates et al. and Hollonbeck et al. for at least the same reason(s) as claim 105.

VI. Conclusion

In view of the above remarks and amendments, applicants respectfully submit that the application is in condition for allowance, and such a Notice is respectfully requested. Any inquiries with respect to this application can be directed to the undersigned at the telephone number below.

Respectfully submitted,

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Version with Markings to Show Changes Made (Claims)

33. (Amended) A leg assembly for connecting a base to a tray of an activity center, comprising:

a sleeve adapted to extend uprightly from the base;

a slider received in the sleeve and movable relative to the sleeve;

a spring positioned between the sleeve and the slider and supporting the slider relative to the sleeve; and

a leg received in the slider and adjustably mounted to the slider so that the position of the leg is adjustable relative to the slider[,]

[wherein the leg is adapted to be connected to the tray].

34. (Amended) A leg assembly according to claim [33] **104**, wherein a plurality of pairs of slots are formed along the elongated vertical wall, the leg engaging member having a pair of slot engaging projections that extend through the slot pair and hold the leg relative to the slider.

104. (Amended) A leg assembly according to claim 33, [wherein each] **wherein the** leg has an elongated vertical wall having a plurality of slots formed along a vertical direction thereof, [the] **a** height adjuster comprising a leg engaging member movably connected to the slider, the leg [engaged] **engaging** member being biased toward the elongated wall and movable substantially horizontally, the leg engaging member having a projection dimensioned to extend through the slot and hold the leg relative to the slider.